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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,511	09/05/2000	Mitsuhiro Nomi	F-6636	7918
7	590 07/16/2002			
Jordan and Hamburg			EXAMINER	
122 East 42nd Street New York, NY 10168			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	13
			DATE MAILED: 07/16/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

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· · · · ·	Application No.	Applicant(s)			
	09/655,511	NOMI ET AL.			
Office Action Summary	Examiner	Art Unit			
·	Scott E. Jones	3713	<u> </u>		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replace of the period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by status. - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, ma by within the statutory minimum o I will apply and will expire SIX (6) te. cause the application to become	ay a reply be timely filed f thirty (30) days will be considered timely. MONTHS from the mailing date of this column the MANDONED (35 U.S.C. § 133).	mmunication.		
1) Responsive to communication(s) filed on 16	April 2002 .				
2a)⊠ This action is FINAL . 2b)□ T	his action is non-final.				
3) Since this application is in condition for allow closed in accordance with the practice unde	vance except for formal	matters, prosecution as to the	e merits is		
Disposition of Claims	i Ex parte Quayle, 1955	7 C.D. 11, 433 O.G. 213.			
4) Claim(s) 1-14 is/are pending in the application	on.				
4a) Of the above claim(s) is/are withdra	awn from consideration.				
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-14</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/ Application Papers	or election requirement.				
9) The specification is objected to by the Examin	or.				
		by the Examiner			
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)⊠ The proposed drawing correction filed on <u>15 August 2001</u> is: a)⊠ approved b)□ disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13)⊠ Acknowledgment is made of a claim for forei	gn priority under 35 U.S	.C. § 119(a)-(d) or (f).			
a)⊠ All b)□ Some * c)□ None of:					
1.⊠ Certified copies of the priority documer	nts have been received.				
2. Certified copies of the priority documen	nts have been received	in Application No			
3. Copies of the certified copies of the pri	Bureau (PCT Rule 17.2(a	a)).	Stage		
* See the attached detailed Office action for a lis 14) Acknowledgment is made of a claim for domes	·		application)		
a) The translation of the foreign language p	-		аррисацоп).		
15) Acknowledgment is made of a claim for dome: Attachment(s)	• •				
	A\	view Summany /PTO-413\ Paner No/	(e)		
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notic	view Summary (PTO-413) Paper No(ce of Informal Patent Application (PTO) r:			
U. 0-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1					

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in ... 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2002 has been entered.

Response to Amendment

2. This office action is in response to the amendment filed on March 18, 2002 in which applicant amends claim 1 and responds to the claim rejections.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. (E.P. 0,903,169A2) in view of Kosugi et al. (U.S. 5,229,756).

The rejection as stated in Office Action, Paper No. 9 is retained and incorporated herein.

Response to Arguments

5. Applicant's arguments filed March 18, 2002 have been fully considered but they are not persuasive.

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6. Applicant alleges Kosugi et al. (U.S. 5,229,756) lacks disclosing the newly amended claim limitation requiring, "said signal being representative of a change in velocity of said signal generating device being moved by said game player." However, claims 2 and 8 in Kosugi et al. are directed to an image control apparatus according to claim 1, wherein said movement detection means detects the velocity of said movement of said operator.

Therefore, for the reasons discussed hereinabove, the rejection as stated in Office Action, Paper No. 9 under 35 U.S.C. 103 is maintained.

Conclusion

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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final action.

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

July 15, 2002

Scott E. Jones Examiner Art Unit 3713

> VALENCIA MARTIN-WALLACE SUPPRVISORY PATENT EXAMINER

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